

116TH CONGRESS
2D SESSION

H. R. 7037

To provide for quality assurance of COVID–19 reimbursements and reporting.

IN THE HOUSE OF REPRESENTATIVES

MAY 27, 2020

Mr. POSEY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for quality assurance of COVID–19
reimbursements and reporting.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. QUALITY ASSURANCE OF COVID–19 REIM-**
4 **BURSEMENTS AND REPORTING.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, no Federal funds shall be used for a reim-
7 bursement or payment for—

8 (1) COVID–19 testing of any individual unless
9 the request for such reimbursement or payment is

1 accompanied by evidence that the individual was
2 tested using a test that was approved, cleared, or
3 authorized under section 510(k), 513, 515, or 564
4 of the Federal Food, Drug, and Cosmetic Act (21
5 U.S.C. 360(k), 360c, 360e, 360bbb-3) for COVID-
6 19 diagnosis; or

7 (2) COVID-19 treatment of any individual un-
8 less the request for reimbursement or payment is ac-
9 companied by evidence that the person tested posi-
10 tive for COVID-19 using a test that was approved,
11 cleared, or authorized under section 510(k), 513,
12 515, or 564 of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360(k), 360c, 360e, 360bbb-
14 3) for COVID-19 diagnosis.

15 (b) QUALITY ASSURANCE OF REIMBURSEMENTS.—
16 For purposes of subsection (a), notwithstanding any other
17 provision of law, the head of any Federal agency author-
18 ized to make a reimbursement or payment for COVID-
19 19 testing or treatment of individuals shall review each
20 request presented for such reimbursement or payment
21 and—

22 (1) deny any request for such a reimbursement
23 or payment for COVID-19 testing of an individual
24 or, if reimbursement or payment has already been
25 made, cause to be recovered such reimbursement or

1 payment, unless the request is accompanied by evi-
2 dence that the individual was tested using a test
3 that was approved, cleared, or authorized under sec-
4 tion 510(k), 513, 515, or 564 of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 360(k), 360e,
6 360e, 360bbb-3) for COVID-19 diagnosis as of the
7 date of the review of the head of the agency;

8 (2) deny any request for such a reimbursement
9 or payment for COVID-19 treatment of an indi-
10 vidual or, if reimbursement or payment has already
11 been made, cause to be recovered such reimburse-
12 ment or payment, unless the request is accompanied
13 by evidence that the individual tested positive for
14 COVID-19 using a test that was approved, cleared,
15 or authorized under section 510(k), 513, 515, or
16 564 of the Federal Food, Drug, and Cosmetic Act
17 (21 U.S.C. 360(k), 360e, 360e, 360bbb-3) for
18 COVID-19 diagnosis as of the date of the review of
19 the head of the agency; and

20 (3) provide to the Director of the Centers for
21 Disease Control and Prevention the results of such
22 review.

23 (c) CORRECTION OF REPORTS.—The Director of the
24 Centers for Disease Control and Prevention shall apply

1 the results provided to the Director under subsection
2 (b)(3) to—

3 (1) exclude from the official United States
4 count of cases of COVID–19 any individual reported
5 to have been positive for COVID–19 in a request
6 subject to review in subsection (b) but where the
7 agency head involved found the request was not ac-
8 companied by evidence that the individual had been
9 tested positive for COVID–19 using a test that was
10 approved, cleared, or authorized under section
11 510(k), 513, 515, or 564 of the Federal Food,
12 Drug, and Cosmetic Act (21 U.S.C. 360(k), 360e,
13 360e, 360bbb–3) for diagnosis of COVID–19; and

14 (2) exclude from the official United States
15 count of deaths due to COVID–19 any individual
16 who died and was reported to have been treated or
17 tested positive for COVID–19 in a request subject to
18 review under subsection (b) but where the agency
19 head involved found the request was not accom-
20 panied by evidence that the individual had been test-
21 ed positive for COVID–19 using a test that was ap-
22 proved, cleared, or authorized under section 510(k),
23 513, 515, or 564 of the Federal Food, Drug, and
24 Cosmetic Act (21 U.S.C. 360(k), 360e, 360e,
25 360bbb–3) for diagnosis of COVID–19.

1 (d) PENALTY.—Any person who knowingly reports a
2 false diagnosis of COVID–19 shall be imprisoned not more
3 than 10 years and fined under title 18, United States
4 Code, or both.

○